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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/340,764	06/28/1999	KAORU HAYASHI	450100-4942	4324
20999	7590	02/03/2004		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER WISDAHL, ERIC D	
			ART UNIT 2615	PAPER NUMBER 12

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/340,764

Applicant(s)

HAYASHI, KAORU

Examiner

Eric D Wisdahl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Paper 11, filed 16 January 2004, with respect to the rejection(s) of claim(s) 6 - 10 under 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hinoue et al. (U.S. Patent 6, 118, 485) in view of Someya et al. (U.S. Patent 5, 128, 705) in further view of Shima et al. (U.S. Design Patent 363, 471).

Furthermore, such a rejection could be made in further view of Fukumitsu et al. (U.S. Patent 6, 141, 052), Griencewic (U.S. Patent 5, 801, 919) or Ma (U.S. Patent 5, 880, 928), as each of these references contains the claim limitation which was newly presented by Amendment A, Paper 9 with a priority date suitable for the application at hand.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinoue et al. (U.S. Patent 6, 118, 485) in view of Someya et al. (U.S. Patent 5, 128, 705) in further view of Shima et al. (U.S. Design Patent 363, 471).

Regarding Claim 6, Hinoue discloses the information processing apparatus comprising:

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- Image pickup means (Column 9 lines 22 – 33),
- Holding means (inherent that the lens is being held inside the lens barrel Figure 9 item 21b),
- Moving means to move the holding means along an optical axis (Figure 9 item 21b and Column 10 lines 22 – 24) and
- Accommodation means accommodating the holding means and the moving means (Figure 9 item 23a).

Hinoue does not specify:

- Holding means with a serrated circumferential portion;
- Moving means fitting with the serrated circumferential portion;
- Information processing apparatus comprising a personal computer including a body portion and a display portion mounted for pivotal opening and closing movement on the body section;
- Image pickup apparatus mounted on the top edge portion of said display panel section.

Someya teaches:

- Holding means holding a lens and having a serrated circumferential portion (Figure 3 items 8 and 81) and
- Moving means fitting with said circumferential portion that moves the lens along the optical axis (Column 4 lines 54 – 59 and Figure 3 items 4, 32, 33 and 41).

Such an arrangement would be useful in providing a compact means for manually focusing a camera.

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Shima teaches:

- Information processing apparatus comprising a personal computer including a body portion and a display portion mounted for pivotal opening and closing movement on the body section (Figure 1);
- Image pickup apparatus mounted on the top edge portion of said display panel section (Figure 1).

Such an arrangement would be advantageous in providing a full range of processing for interface with the camera allowing the user to implement any of a number of image processing programs, email, internet or other desirable programs using a personal computer.

Therefore, it would have been obvious to one of ordinary skill in the art to include a holding means with a serrated circumferential portion and a moving means fitting with said serrated circumferential portion, as well as the information processing apparatus comprising a personal computer including a body portion and a display portion mounted for pivotal opening and closing movement on the body section, and the image pickup apparatus mounted on the top edge portion of said display panel section so as to provide a simple manual focusing system and to allow the operator to use any number of programs on the personal computer.

Regarding Claim 7, Hinoue discloses a system that turns 180 degrees from a direction the same as the direction of a display unit (Figures 7 and 8, first position is facing 180 degrees away from display, second position is facing 0 degrees or with the display).

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Regarding Claim 8, Hinoue discloses the moving means is operable from above and below the accommodation means (Figures 7 and 8 as well as Figure 9).

Regarding Claim 9, Hinoue discloses an image pickup means comprising a CCD (Column 9 lines 22 – 33).

Regarding Claim 10, Hinoue discloses the image pickup apparatus located on top of the display of the information processing apparatus (Figure 9).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukumitsu et al. (U.S. Patent 6, 141, 052)

Griencewic (U.S. Patent 5, 801, 919)

Ma (U.S. Patent 5, 880, 928)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Wisdahl whose telephone number is (703) 305-4915. The examiner can normally be reached on 9:00 - 6:00 Mon-Thur every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5399 for regular communications and (703) 308-5399 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center 2600 customer service office which can be reached at telephone number (703) 306-0377.

edw



ANDREW CHRISTENSEN
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TECHNOLOGY CENTER 2600